

Remarks

Reconsideration of this application as amended is respectfully requested.

Claims 33-81 stand rejected under 35 U.S.C. §112, first paragraph.

Claims 33-81 stand rejected under 35 U.S.C. §102(e) as being unpatentable over U.S. Patent No. 6,219,708 B1 of *Martenson* ("*Martenson*").

Claims 33-81 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Martenson* and U.S. Patent No. 5,917,405 of *Joao* ("*Joao*").

The Examiner has stated that the title is not descriptive. In response, applicant has provided a replacement title.

The Examiner has stated that all related applications must be mentioned after the Title and before the Background of the Invention under the heading "Related Applications." In response, applicant has amended the specification to provide the heading "Related Applications" and to update the paragraph that set forth the related applications that was added to the specification in the preliminary amendment dated 5-22-01.

The Examiner has stated that active hyperlinks must be removed from the specification. In response, applicant has amended the specification to remove active hyperlinks.

The Examiner has stated that each of the claimed features must be shown in the figures. The Examiner specifically referred to the fact that there is no "video player" in the figures. In response, applicant has amended claims 33, 38, 47, 52, 57, 62, 67, 72, and 77 to recite a device that is a fax machine, a video player, a television, a thermostat, a refrigerator, a washing machine, a disk drive, an oscilloscope, and a spectrum analyzer, respectively. Applicant submits that a device that is a fax machine, a video player, a television, a thermostat, a refrigerator, a washing machine, a disk drive, an oscilloscope, and a spectrum analyzer is shown

in the figures as the device 10 as stated in the specification on pages 10-12.

The Examiner has objected to the specification under 35 U.S.C. §112, first paragraph, as failing to provide an enabling disclosure and/or written description. The Examiner has rejected claims 33-81 under 35 U.S.C. §112, first paragraph, for the same reasons.

Although it is well settled that an analysis the adequacy of a written description calls for a comparison of the language of the claims to the specification, Wang Labs v. Toshiba Corp., 26 USPQ2d, 1767, 1774 (Fed. Cir. 1993), the Examiner has not cited any language in claims 33-81 other than "video player" and "fax machine" and "refrigerator" in objecting to Applicant's specification and rejecting claims 33-81 under 35 U.S.C. §112, first paragraph. Instead, the Examiner has stated that

There is a lack of disclosure and/or written description allowing the devices to interface with the network so they can be monitored and controlled by a remote user via an network.

(Page 2, paragraph 8, Office Action, 4/30/04).

Applicant respectfully submits that claims 33-81 are not directed to allowing devices to interface with a network so they can be monitored and controlled via the network as stated by the Examiner. Claims 33-81 are directed to a web access mechanism of a device including "a web server" that generates a device web page that provides a set of user interface and control functions for the device and "a network interface" that enables access to the device web page by a web browser. Applicant submits that the web access mechanism of claims 33-81 is described in numerous portions of the specification. For example, "a web server" as claimed in claims 33-81 is shown in Figures 1a-1b and described on pages 8-9, 11, and 13 of the specification and "a network interface" as claimed in claims 33-81 is shown in Figure 1a and described on pages 8, 10, and 11 of the specification. In addition, a device web page as claimed in claims 33-81 is shown in Figures 1a-1b and 3 and

described on pages 9, 11, 13-14, and 17-20 of the specification.

The Examiner has stated that

The fax machine of page 10 is not controlled in the same manner as is the video player of page 12 in that a fax machine does not have a "rewind" function nor does a video player have a "fine" setting.

(Page 2, paragraph 8, Office Action, 4/30/04) (emphasis original).

It is respectfully submitted that claims 33-81 do not recite "rewind" and "fine" settings. Instead, claims 33-81 recite a device web page that provides a set of user interface functions some of which enable control functions. As shown above, a device web page as claimed in claims 33-81 is described in numerous portions of the specification. In regard to device-specific control functions, e.g. control functions for a fax machine, a video player, etc., Applicant respectfully directs the Examiner's attention to the monitor 16 shown in Figure 1a and the accompanying text on pages 8-9 of the specification as well as the device-specific hardware 300 shown in Figure 1b and the accompanying text on pages 11-12 of the specification.

The Examiner has posed the following question:

Where is the source code and hardware allowing one to control the video player and/or fax machine by a user on a Browser via the network?

(Page 2, paragraph 8, Office Action, 4/30/04). Applicant respectfully submits that claims 33-81 do not recite source code or hardware for allowing control of a device via a network. Instead, claims 33-81 recite a web server that generates a web page that provides a set of user interface functions and further recites a network interface that enables access to the web page by a web browser. Applicant's specification sets forth numerous alternative implementations of a web server and a network interface recited in claims 33-81 including existing processor and memory resources (pages 11-13 of Applicant's specification), and single or multiple integrated circuit chips as well as state machines (page 13 of

Applicant's specification).

The Examiner has stated that

The missing gap, or "black box", is a unit internal or external to the specific device that interfaces the specific device to the network by way of hardware and software.

(Pages 2-3, paragraph 8, Office Action, 4/30/04) (emphasis original). Applicant respectfully submits that claims 33-81 are not directed to a unit that interfaces a device to a network as stated by the Examiner. Claims 33-81 are directed to a web access mechanism of a device including "a web server" that generates a device web page that provides a set of user interface and control functions for the device and "a network interface" that enables access to the device web page by a web browser.

It is therefore respectfully submitted that Applicant's specification provides a written description that enables a person skilled in the art (See 35 U.S.C. §112, first paragraph) to make and use a device having a web access mechanism including "a web server" that generates a device web page and "a network interface" that enables access to the device web page by a web browser as claimed in claims 33-81.

The Examiner has rejected claims 33-81 under the judicially created doctrine of obviousness-type double patenting in view of claims 1-26 of U.S. Patent No. 5,956,487 and claims 1-32 of U.S. Patent 6,170,007. In response, applicant submits herewith terminal disclaimers for U.S. Patent Nos. 5,956,487 and 6,170,007.

The Examiner has provisionally rejected claims 33-81 under the judicially created doctrine of obviousness-type double patenting in view of the following co-pending Patent Applications: Ser. No. 09/721,409, Ser. No. 09/862,230, Ser. No. 09/862,804, Ser. No. 09/863,300, Ser. No. 09/863,368, Ser. No. 09/863, 667, Ser. No. 09/865,347, Ser. No. 09/865,944, and Ser. No. 09/865,977. In response, applicant submits herewith terminal disclaimers for Patent Applications: Ser. No. 09/721,409, Ser. No. 09/862,230, Ser. No. 09/862,804, Ser. No.

09/863,300, Ser. No. 09/863,368, Ser. No. 09/863, 667, Ser. No. 09/865,347, Ser. No. 09/865,944, and Ser. No. 09/865,977

The Examiner has rejected claims 33-81 under 35 U.S.C. §102(e) as being un-patentable over *Martenson*. Applicant respectfully submits that amended claim 33 is not anticipated by *Martenson*. Amended claim 33 is a web access mechanism of a device that includes a web server that generates a device web page wherein the device web page provides a set of user interface functions for the device. *Martenson* does not disclose a web access mechanism of a device having a web server that generates a device web page as claimed in amended claim 33. Instead, *Martenson* discloses a web server of a network resource that performs a function in the network resource in response to an HTTP request. (*Martenson*, col. 8, lines 43-48). For example, *Martenson* discloses a web server in a network resource that receives a hyperlink reference from a browser (*Martenson*, col. 8, line 46) and that parses the hyperlink reference into a function call in the network resource (*Martenson*, col. 8, lines 47-48) using a table (*Martenson*, col. 8, lines 55-58). In contrast, a web access mechanism according to amended claim 33 includes a web server that generates a device web page.

Given that claims 34-37 depend from amended claim 33, it is submitted that claims 34-37 are not anticipated by *Martenson*.

It is also submitted that amended claims 38, 47, 52, 57, 62, 67, 72, and 77 are not anticipated by *Martenson*. Amended claims 38, 47, 52, 57, 62, 67, 72, and 77 include limitations similar to the limitations of amended claim 33 including a web access mechanism with a web server that generates a device web page. Therefore, the remarks stated above with respect to amended claim 33 also apply to amended claims 38, 47, 52, 57, 62, 67, 72, and 77.

Given that claims 39-46, 48-51, 53-56, 58-61, 63-66, 68-71, 73-76, and 78-81 depend from amended claims 38, 47, 52,

57, 62, 67, 72, and 77, respectively, it is submitted that claims 39-46, 48-51, 53-56, 58-61, 63-66, 68-71, 73-76, and 78-81 are not anticipated by *Martenson*.

The Examiner has rejected claims 33-81 under 35 U.S.C. §103(a) as being un-patentable over *Martenson* and *Joao*. Applicant submits that claims 33-81 are not obvious in view of *Martenson* and *Joao* because *Martenson* and *Joao* do not disclose or suggest a web access mechanism of a device that includes a web server that generates a device web page wherein the device web page provides a set of user interface functions for the device as claimed in claims 33-81. *Martenson* discloses a web server of a network resource that performs a function in the network resource in response to an HTTP request (*Martenson*, col. 8, lines 43-48) rather than a web access mechanism of a device that includes a web server that generates a device web page as claimed in claims 33-81. *Joao* discloses a CPU that communicates with a variety of home based and vehicle mounted devices (*Joao*, col. 12, lines 5-65, col. 4, lines 12-62) rather than a web access mechanism of a device that includes a web server that generates a device web page as claimed in claims 33-81.

It is respectfully submitted that in view of the amendments and arguments set forth above, the applicable rejections have been overcome.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 08-2025 for any matter in connection with this response, including any fee for extension of time, which may be required.

Respectfully submitted,

Date: 7-30-04

By: Paul H. Horstmann

Paul H. Horstmann
Reg. No.: 36,167